

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify a provision relating to the adaptation fund.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 2191

To direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CRAIG

Viz:

1 Strike subsections (b) through (g) of section 4702
2 and insert the following:

3 (b) DEPARTMENT OF INTERIOR.—Of the amounts
4 made available annually to carry out this subsection—

5 (1) _____ percent shall be allocated to the Sec-
6 retary, and subsequently made available to States in-
7 cluding through the Wildlife Conservation and Res-
8 toration Account established under section 3(a)(2) of
9 the Pittman-Robertson Wildlife Restoration Act (16

1 U.S.C. 669b(a)(2)), to carry out adaptation activi-
2 ties in accordance with comprehensive State adapta-
3 tion strategies, as described in subsection (j);

4 (2) _____ percent shall be allocated to the Sec-
5 retary for adaptation activities carried out under co-
6 operative grant programs, including—

7 (A) the cooperative endangered species
8 conservation fund authorized under section 6(i)
9 of the Endangered Species Act of 1973 (16
10 U.S.C. 1535(i));

11 (B) programs under the North American
12 Wetlands Conservation Act (16 U.S.C. 4401 et
13 seq.);

14 (C) the multinational species conservation
15 fund established under the heading “MULTI-
16 NATIONAL SPECIES CONSERVATION FUND” of
17 title I of the Department of the Interior and
18 Related Agencies Appropriations Act, 1999 (16
19 U.S.C. 4246);

20 (D) the Neotropical Migratory Bird Con-
21 servation Fund established by section 9(a) of
22 the Neotropical Migratory Bird Conservation
23 Act (16 U.S.C. 6108(a));

24 (E) the Coastal Program of the United
25 States Fish and Wildlife Service;

1 (F) the National Fish Habitat Action
2 Plan;

3 (G) the Partners for Fish and Wildlife
4 Program;

5 (H) the Landowner Incentive Program;

6 (I) the Wildlife Without Borders Program
7 of the United States Fish and Wildlife Service;
8 and

9 (J) the Park Flight Migratory Bird Pro-
10 gram of the National Park Service; and

11 (3) ____ percent shall be allocated to the Sec-
12 retary and subsequently made available to Indian
13 tribes to carry out adaptation activities through the
14 tribal wildlife grants program of the United States
15 Fish and Wildlife Service.

16 (c) LAND AND WATER CONSERVATION FUND.—

17 (1) DEPOSITS.—

18 (A) IN GENERAL.—Except as provided in
19 paragraph (2), of the amounts made available
20 for each fiscal year to carry out this subsection,
21 ____ percent shall be deposited into the Land
22 and Water Conservation Fund established
23 under section 2 of the Land and Water Con-
24 servation Fund Act of 1965 (16 U.S.C. 460l-
25 5).

1 (B) Deposits to the Land and Water Con-
2 servation Fund under this subsection shall—

3 (i) be supplemental to authorizations
4 provided under section 3 of the Land and
5 Water Conservation Fund Act of 1965 (16
6 U.S.C. 460l–6); and

7 (ii) remain available for non-adapta-
8 tion needs.

9 (2) EXCEPTION.—For any fiscal year in which
10 a deposit into the Land and Water Conservation
11 Fund under paragraph (1) would result in an
12 amount greater than \$900,000,000—

13 (A) \$900,000,000 shall be deposited into
14 the Land and Water Conservation Fund; and

15 (B) the remaining funds shall be distrib-
16 uted on a pro rata basis as otherwise provided
17 in this section.

18 (3) ALLOCATIONS.—Of the amounts deposited
19 under this subsection into the Land and Water Con-
20 servation Fund—

21 (A) $\frac{1}{6}$ shall be allocated to the Secretary
22 and made available to carry out section 6 of the
23 Land and Water Conservation Fund Act of
24 1965 (16 U.S.C. 460l–8) to States, on a com-
25 petitive basis—

1 (i) in accordance with comprehensive
2 wildlife conservation strategies and Indian
3 tribes, to carry out adaptation activities
4 through the acquisition of land and inter-
5 ests in land;

6 (ii) notwithstanding section 5 of that
7 Act (16 U.S.C. 460l–7); and

8 (iii) in addition to grants provided
9 pursuant to—

10 (I) annual appropriations Acts;

11 (II) the Energy Policy Act of
12 2005 (42 U.S.C. 15801 et seq.); or

13 (III) any other authorization for
14 nonadaptation needs;

15 (B) $\frac{1}{3}$ shall be allocated to the Secretary
16 to carry out adaptation activities through the
17 acquisition of lands and interests in land under
18 section 7 of the Land and Water Conservation
19 Fund Act of 1965 (16 U.S.C. 460l–9);

20 (C) $\frac{1}{6}$ shall be allocated to the Secretary
21 of Agriculture and made available to the States
22 to carry out adaptation activities through the
23 acquisition of land and interests in land under
24 section 7 of the Forest Legacy Program under

1 the Cooperative Forestry Assistance Act of
2 1978 (16 U.S.C. 2103c); and

3 (D) $\frac{1}{3}$ shall be allocated to the Secretary
4 of Agriculture to carry out adaptation activities
5 through the acquisition of land and interests in
6 land under section 7 of the Land and Water
7 Conservation Fund Act of 1965 (16 U.S.C.
8 4601–9).

9 (4) EXPENDITURE OF FUNDS.—In allocating
10 funds under subsection (c), the Secretary and the
11 Secretary of Agriculture shall take into consideration
12 factors including—

13 (A) the availability of non-Federal con-
14 tributions from State, local, or private sources;

15 (B) opportunities to protect wildlife cor-
16 ridors or otherwise to link or consolidate frag-
17 mented habitats;

18 (C) opportunities to reduce the risk of cat-
19 astrophic wildfires, extreme flooding, or other
20 climate-related events that are harmful to fish
21 and wildlife and people;

22 (D) the potential for conservation of spe-
23 cies or habitat types at serious risk due to cli-
24 mate change, ocean acidification, and other
25 stressors; and

1 (E) the potential to provide enhanced ac-
2 cess to land and water for fishing, hunting, and
3 other public recreational uses.

4 (d) FOREST SERVICE.—Of the amounts made avail-
5 able annually to carry out this section, _____ percent shall
6 be allocated to the Secretary of Agriculture for use in
7 funding adaptation activities carried out on national for-
8 ests and national grasslands under the jurisdiction of the
9 Forest Service, or pursuant to the cooperative Wings
10 Across the Americas Program.

11 (e) ENVIRONMENTAL PROTECTION AGENCY.—Of the
12 amounts made available annually to carry out this section,
13 _____ percent shall be allocated to the Administrator for
14 use in adaptation activities restoring and protecting—

15 (1) large-scale freshwater aquatic ecosystems,
16 such as the Everglades, the Great Lakes, Flathead
17 Lake, the Missouri River, the Mississippi River, the
18 Colorado River, the Sacramento-San Joaquin Rivers,
19 the Ohio River, the Columbia-Snake River System,
20 the Apalachicola, Chattahoochee and Flint River
21 System, the Connecticut River, and the Yellowstone
22 River;

23 (2) large-scale estuarine ecosystems, such as
24 Chesapeake Bay, Long Island Sound, Puget Sound,
25 the Mississippi River Delta , San Francisco Bay

1 Delta, Narragansett Bay, and Albemarle-Pamlico
2 Sound; and

3 (3) freshwater and estuarine ecosystems, water-
4 sheds, and basins identified as priorities by the Ad-
5 ministrator, working in cooperation with other Fed-
6 eral agencies, States, local governments, scientists,
7 and other conservation partners.

8 (f) CORPS OF ENGINEERS.—Of the amounts made
9 available annually to carry out this section, ____ percent
10 shall be allocated to the Secretary of the Army for use
11 by the Corps of Engineers to carry out adaptation activi-
12 ties restoring—

13 (1) large-scale freshwater aquatic ecosystems,
14 such as the ecosystems described in subsection
15 (e)(1);

16 (2) large-scale estuarine ecosystems, such as
17 the ecosystems described in subsection (e)(2);

18 (3) freshwater and estuarine ecosystems, water-
19 sheds, and basins identified as priorities by the
20 Corps of Engineers, working in cooperation with
21 other Federal agencies, States, local governments,
22 scientists, and other conservation partners; and

23 (4) habitats or ecosystems under programs such
24 as the Estuary Restoration Act of 2000 (33 U.S.C.
25 2901 et seq.), project modifications for improvement

1 of the environment, and aquatic restoration under
2 section 206 of the Water Resources Development
3 Act of 1996 (33 U.S.C. 2330).

4 (g) DEPARTMENT OF COMMERCE.—Of the amounts
5 made available annually to carry out this section—

6 (1) ____ percent shall be allocated to the Sec-
7 retary of Commerce for use in funding adaptation
8 activities to protect, maintain, and restore coastal,
9 estuarine, and marine resources, habitats, and eco-
10 systems, including such activities carried out
11 under—

12 (A) the coastal and estuarine land con-
13 servation program;

14 (B) the community-based restoration pro-
15 gram;

16 (C) the Coastal Zone Management Act of
17 1972 (16 U.S.C. 1451 et seq.), consistent with
18 subsection (j);

19 (D) the Open Rivers Initiative;

20 (E) the Magnuson Fishery Conservation
21 and Management Act (16 U.S.C. 1801 et seq.);

22 (F) the Marine Mammal Protection Act of
23 1972 (16 U.S.C. 1361 et seq.);

24 (G) the Endangered Species Act of 1973
25 (16 U.S.C. 1531 et seq.);

1 (H) the Marine Protection, Research, and
2 Sanctuaries Act of 1972 (33 U.S.C. 1401 et
3 seq.); and

4 (I) the Coral Reef Conservation Act of
5 2000 (16 U.S.C. 6401 et seq.); and

6 (2) _____ percent shall be allocated to the Sec-
7 retary of Commerce for use in providing grants to
8 States, local governments, Indian tribes to address
9 infrastructure needs resulting from climate change,
10 including (based on the cost and need for adaptation
11 to aid humans and wildlife)—

12 (A) road and transportation repairs;

13 (B) sewer and water facilities;

14 (C) seawall and port, harbor, or river ero-
15 sion projects;

16 (D) school and public facility repairs; and

17 (E) water treatment and production
18 projects, including desalination projects (in the
19 event of increased drought) to address effects of
20 longer-term climate impacts.